

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 14, 1996

ALL-COUNTY LETTER NO. 96-25

TO: ALL COUNTY WELFARE DIRECTORS
ALL PUBLIC ADOPTION AGENCIES
ALL CDSS DISTRICT OFFICE

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: STATEMENTS OF POSITION IN ADMINISTRATIVE HEARINGS - ADOPTION ASSISTANCE PROGRAM

This letter is to alert you to the growing number of administrative hearing cases that have come to our attention regarding Adoption Assistance Program (AAP) benefits in which the case record presented by the county does not thoroughly and comprehensively support the county's position. Although the case presentation may be sufficient to enable the county to prevail in the administrative hearing, the problem remains when the claimant files an appeal in the superior court and the Department must then prepare a defense based on an incomplete administrative record.

To ensure the existence of a more complete administrative record, we are requesting counties to review their practices for presenting statements of position in AAP administrative hearings. Manual of Policies and Procedures Section 22-073.251 states:

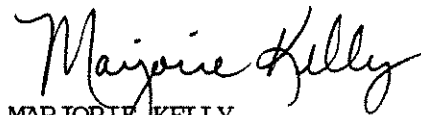
The position statement shall summarize the facts of the case and set forth the regulatory justification for the county's action.

- (a) If the issue concerns the amount of aid, grant adjustment, or a demand for repayment, the county representative shall include in the position statement a complete final budget computation, month by month, for the period in issue.
- (b) The county shall include as attachments to the position statement copies of documentary evidence and a list of witnesses which the county intends to use during the hearing.
 - (1) The documents shall be itemized on the last page of the position statement and attached as exhibits.

Counties should strive to submit all relevant evidence from the case file, including all documents that provide background about the case and the issue in dispute.

Counties receiving public adoption services from State adoptions district offices should contact the district office as soon as the request for administrative hearing is received to arrange for retrieval of pertinent information from the case file. Of particular importance for inclusion in the county's presentation are copies of the adoption assistance agreements, information regarding the adoptive family's financial circumstances, applicable foster care/specialized care rate schedules and supporting documentation, such as any experts' assessments of the child's specialized care needs.

Thank you for your cooperation in this matter. Please direct any questions to the Adoptions Policy Bureau at (916) 322-4228.



MARJORIE KELLY
Deputy Director
Children and Family Services

c: CWDA